

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BERNICE ROSE and :
CHARLES ROSE, her husband, :
Plaintiffs :
: :
V. : Civil Action No. 02-CV-4675
: :
UNITED STATES OF AMERICA :
Defendant. :
:

ORDER

AND NOW, this _____ day of _____, 2003, upon
consideration of the federal defendant's unopposed second motion
for a change of the arbitration date, and any response thereto,
it is hereby

ORDERED

that the arbitration of the above-captioned matter is rescheduled
from 9:30 a.m. on March 19, 2003 until 9:30 a.m. on
_____, 2003.

BY THE COURT:

JOHN R. PADOVA
Judge, United States District Court

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BERNICE ROSE and :
CHARLES ROSE, her husband, :
Plaintiffs :
: :
V. : Civil Action No. 02-CV-4675
: :
UNITED STATES OF AMERICA :
Defendant. :
:

FEDERAL DEFENDANT'S UNOPPOSED SECOND MOTION
FOR A CHANGE OF THE ARBITRATION DATE

Now comes the federal defendant, by and through its undersigned counsel, and respectfully requests that the Court set a new date for the arbitration scheduled for March 19, 2003 in the above-captioned case. Counsel for the federal defendant has been unable to properly prepare for the arbitration due to delays in discovery and is requesting a short postponement of thirty days.

A memorandum more fully setting forth the reasons for this request accompanies this motion.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

VIRGINIA R. POWELL
Assistant United States Attorney
Attorney I.D. No. 32230

Dated: March 12, 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BERNICE ROSE and	:	
CHARLES ROSE, her husband,	:	
Plaintiffs	:	
	:	
V.	:	Civil Action No. 02-CV-4675
	:	
UNITED STATES OF AMERICA	:	
Defendant.	:	

FEDERAL DEFENDANT'S MEMORANDUM IN SUPPORT OF
ITS UNOPPOSED
SECOND MOTION FOR A CHANGE OF THE ARBITRATION DATE

The federal defendant respectfully requests an additional thirty day extension of the March 19, 2003 scheduled date for the arbitration of the above-captioned case. Counsel for the federal defendant was involved in an accident requiring surgery to repair multiple fractures to her wrist. Counsel was unable to engage in discovery during the resulting absence from the office or prepare for the arbitration. An extension from February 5 to March 19, 2003 was previously granted.

On February 4, 2003, counsel served Interrogatories and Requests for Production of Documents upon the plaintiffs, with an expectation that there would be sufficient time to depose the plaintiffs after responses to the discovery, due March 6, 2003, were received. To date, responses to the discovery have not been served on the defendant, and the parties have not been able to find a mutually agreeable date and time for the plaintiffs' depositions prior to the arbitration date of March 19, 2003 due

to schedule conflicts. Plaintiffs' counsel has advised that discovery responses are being worked on, and that they will be completed this week.

This is the second request for an extension. Opposing counsel has authorized me to state that he has no objection to the extension.

WHEREFORE, the federal defendant respectfully requests that this Honorable Court grant its request and reschedule the arbitration presently scheduled for 9:30 a.m. March 19, 2003 for a date at least thirty days later.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

VIRGINIA R. POWEL
Assistant United States Attorney
Attorney I.D. No. 32230

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Federal Defendant's Unopposed Second Motion for a Change of the Arbitration Date, Memorandum and proposed Order was served by first class certified mail, postage prepaid, upon the following:

Joseph O'Donnell, Esquire
O'Donnell, O'Hara & Saltzman, LLC
1931 Nottingham Way
Trenton, NJ 08619

VIRGINIA R. POWEL
Assistant United States Attorney

Dated: March 12, 2003